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CLERK OF DISTRICT COURT
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE: PHENYLPROPANOLAMINE
(PPA) PRODUCTS LIABILITY
LITIGATION,

MDL NO. 1407

This document relates to all
actions

PRELIMINARY RULING
ON DEFENDANTS' MOTION
TO PRECLUDE PLAINTIFFS'
EXPERT OPINIONS AND
ON PARAMETERS OF
DAUBERT HEARING

The court held a one-day informational hearing on March 31, 2003 regarding defendants' motion to preclude plaintiffs' expert opinions as to general causation pursuant to the Federal Rules of Evidence and Daubert v. Merrell Dow Pharm., Inc., 509 U.S. 579 (1993). After hearing the parties' presentations, the court decided to issue a ruling narrowing the scope of the Daubert hearing scheduled to begin on April 28, 2003.

The court finds expert testimony based on the Yale Hemorrhagic Stroke Project and related to hemorrhagic stroke in women aged eighteen and above admissible. The court does not find sufficient scientific basis for admitting expert testimony concerning an association between PPA and psychoses. As such, these topics need not be addressed at the Daubert hearing. The court's rationale for these decisions will be addressed in the



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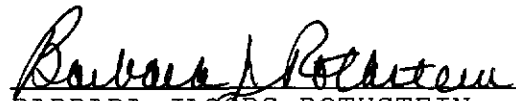
cc: counsel - BHM

1 final order rendered on defendants' Daubert motion.

2 As the parties are aware, the court previously indicated
3 that it also found expert testimony relating to hemorrhagic
4 stroke in men aged eighteen and above admissible. However,
5 defendants have since requested that the court allow testimony on
6 this subject at the Daubert hearing. As such, the court will
7 expand its previous ruling on subject matter for the hearing to
8 include testimony on the question of hemorrhagic stroke in men.

9 Also, the court has not reached a conclusion with respect to
10 the admissibility of expert testimony on the following topics:
11 ischemic stroke; cardiac injuries; seizures; injuries in individ-
12 uals below age eighteen; and hemorrhagic strokes occurring more
13 than three days after the ingestion of a PPA-containing product.
14 The parties should present expert testimony on these issues at
15 the Daubert hearing. The court will address the details of the
16 Daubert hearing at the status conference scheduled for April 7,
17 2003 at 1:00 p.m.

18 DATED at Seattle, Washington this 4th day of April, 2003.

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20 BARBARA JACOBS ROTHSTEIN
21 UNITED STATES DISTRICT JUDGE
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